REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1-9 and 11-28 are currently active in this case. Claims 1-4, 6, 8, 14-17, 20, 22-24, and 26-28 and the specification have been amended, Figures 1 and 2 have been corrected, and Figures 6A, 6B, 6C, and 7 have been added by way of the present amendment. All amendments, corrections, and additions are supported by the specification as originally submitted and no new matter has been added.

In the outstanding Office Action, objections were made to the drawings and the disclosure; Claims 1-5, 8-21, and 23-28 were objected to based on informalities; Claims 1-28 were rejected under 35 USC 112, first paragraph as non-enabled, and Claims 3, 6-7, 10, 14-15, and 17-28 were rejected under 35 USC 112, second paragraph, as indefinite.

Applicants have added a Prior Art label to Fig. 1 as suggested by the Examiner in the outstanding Office Action.

The specification has been amended to remove the reference sign 140 that was not incorporated in the drawings.

The specification has been amended to include the reference signs of Fig. 2

Applicants have corrected Figs. 1 and 2 to include block descriptions.

The specification has been amended to include the full text of each acronym utilized therein, correct typographical errors, update the referenced patent application, and fully describe all block elements shown in the figures.

As requested by the Examiner, Applicants have corrected other minor errors uncovered upon review of the specification.

The Claims have been amended to correct the informalities noted by the Examiner.

Applicants respectfully traverse the rejection of Claims 1-28 under 35 USC 112, first paragraph. In particular, Applicants respectfully submit herewith new Figures 6A, 6B, 6C,

and 7. The new figures are example embodiments of component arrangements of the present invention, and specifically include examples of the acquisition unit, scanning unit, selection unit, channel quality unit, channel change unit, frame error rate indicator, re-locking mechanism, DCD message generator, reception unit, downstream channel selection unit, transmission unit, upstream channel selection unit, and a channel change mechanism as recited in Claims 17-19 and 22-25 and are consistent with the claims, other drawings, and disclosure of the present invention.

Applicants respectfully traverse any assertion that Applicants discussion of the claimed invention fails to enable the invention to a person skilled in the art For example, as to performing the block elements shown in Figs. 3-5, Applicants respectfully note Applicants specification at page 36 line 30 – page 37, line 7, which clearly indicates that the described processes and/or devices may be implemented in software and/or the preparation of specific circuits. Thus, the block elements may be implemented in software and/or circuitry. And, Applicants respectfully submit that any particular implementation detail not already disclosed by Applicants' specification would be clear to a skilled communications device programmer or circuit designer upon review of the present disclosure.

Further, the processes represented by each of the block elements and/or claims are described in detail. For example, for the acquisition unit, Applicants respectfully note Page 7, line 4 of Applicants' original specification that specifically describes an acquisition unit as claimed, and Applicants' original specification includes numerous detailed descriptions of the same (e.g., Fig. 3, Fig. 5, pages 15, 21, 23, et al.).

As to a selection unit, Applicants' original specification includes a selection unit (page 7, line 7, line 20), and further description as to its operation (pages 9, 12/13, 24, 31, 34, et al.). As to the channel quality unit, the specification has been amended to include a specific reference to a channel quality unit consistent with the recited claim language, and Applicants respectfully note that the same is supported by the original claims and the specification (e.g., page 32, lines 9-22, page 25, lines 14-16, et al.).

As to the channel change unit, the specification has been amended to include a specific reference to a channel change unit consistent with the recited claim language, and Applicants respectfully note that the same is supported by the original claims and the specification (e.g.,

page 24, line 4 – page 27, line 10; page 32, lines 9-22, et al.). As to the frame error rate indicator, the specification has been amended to include a specific reference to frame error rate indicator consistent with the recited claim language, and Applicants respectfully note that the same is supported by the original claims and the specification (e.g., page 33 line 4 – page 34, line 10, et al.). As to the re-locking mechanism, the specification has been amended to include a specific reference to a re-locking mechanism consistent with the recited claim language, and Applicants respectfully note that the same is supported by the original claims and the specification (e.g., page 29 line 5 – page 32, line 8, which describes the process of locking and then re-locking onto new channels depending on, for example, availability and priority, et al.).

As to the DCD message generator, the specification includes a specific reference to a DCD message generator consistent with the recited claim language, and further support is found throughout the specification (e.g., page 7, line 14; page 16 lines 1-10, et al.). As to the reception unit, the specification includes a specific reference to a reception unit consistent with the recited claim language, and further support throughout the specification (e.g., page 7, lines 18-23, et al.).

As to the downstream channel selection unit, Applicants original specification includes a specific references to a downstream channel selection unit consistent with the recited claim language (e.g., page 7, lines 7-8, page 7, lines 19-22), and support for a downstream channel selection unit is also found throughout Applicants original disclosure (e.g., page 12, line 20 – page 13, line 2, page 15 lines 11-12, page 21, lines 7-10, et al.). As to the transmit unit, the specification has been amended to include a specific reference to a transmit unit consistent with the recited claim language, and Applicants respectfully note that the transmit unit is fully supported in Applicants original specification, including discussion of wireless modems (e.g., wireless modems 110, 112, and 114, and numerous examples of transmitting data and various messages).

As to the upstream channel selection unit, Applicants have amended the specification to include a specific references to an upstream channel selection unit consistent with the recited claim language, and support for an upstream channel selection unit is also found throughout Applicants original disclosure (e.g., page 5, lines 19-23, page 34, lines 18-21, et al.).

As to the change channel mechanism, Applicants have amended the specification to include a specific references to a change channel mechanism consistent with the recited claim language. However, support for a change channel mechanism is also found throughout Applicants original disclosure (e.g., page 24, line 4 – page 27, line 10; page 32, lines 9-22, et al.).

Applicants respectfully traverse the rejections of Claims 3, 6-7, 10, 14-15, and 17-28 under 35 USC 112 second paragraph. Various non-limiting amendments have been made to each of the claims (and Claim 10 has been cancelled), and Applicants respectfully submit that each basis for these rejections are now moot.

Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

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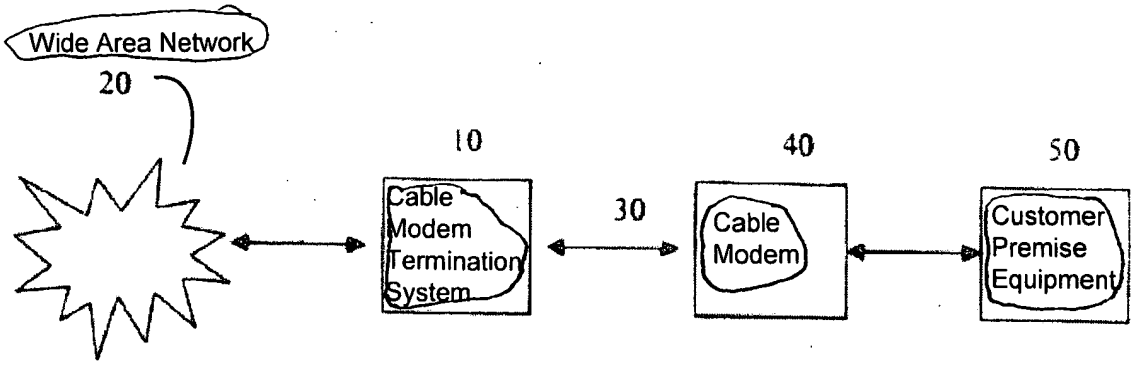
In the Drawings:

The attached sheets of drawings include changes to Figs. 1 and 2, which replace the original Figs. 1 and 2, and which add descriptions to each of the blocks. Accompanying the Replacement Drawings are annotated marked-up drawings which show the changes made to the original drawings.

Also attached are new Figs. 6A, 6B, 6C and 7.

Fig 1:


Wide Area Network
20
10
Cable Modem Termination System
30
40
Cable Modem
50
Customer Premise Equipment

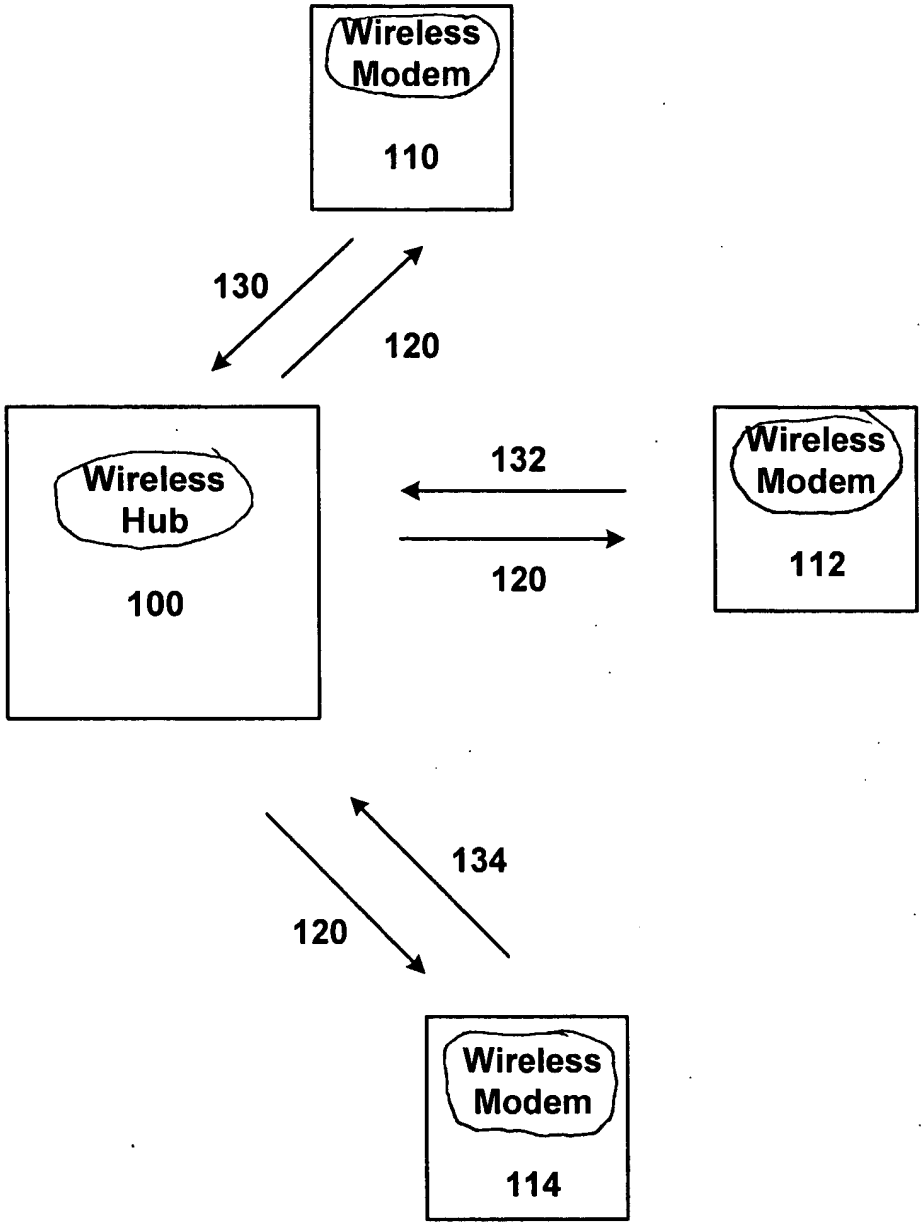

Wireless Modem
110
130
120
Wireless Hub
100
132
120
Wireless Modem
112
134
120
Wireless Modem
114

FIG. 2